

FEB 15 2017

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

knowingly transmitted a telephonic communication in interstate and foreign commerce from the State of New Jersey to the State of Texas, which communication contained a threat to injure any person; to wit: on that date, **NICHOLAS KYLE MARTINO**, in a telephone call to the Brewster County Dispatch in Alpine, Texas, communicated that he had a bomb; he was heading to the Sul Ross campus; he did not want anyone to be looking for him; he didn't want anyone to "fuck" with him; he had a bomb; he was not afraid to use the bomb; and that everyone should leave him the "fuck" alone, in violation of Title 18 U.S.C. §875(c).

COUNT TWO
[18 U.S.C. §§875(c)]

On or about the 8th day of September, 2016, in the Western District of Texas and elsewhere, the Defendant,

NICHOLAS KYLE MARTINO,

knowingly transmitted a telephonic communication in interstate and foreign commerce from the State of New Jersey to the State of Texas, which communication contained a threat to injure any person; to wit: on that date, **NICHOLAS KYLE MARTINO**, in a telephone call to the Big Bend Regional Medical Center, in Alpine, Texas, communicated that he was going to kill “everyone in the fucking hospital,” in violation of Title 18 U.S.C. §875(c).

COUNT THREE
[18 U.S.C. §§875(c)]

On or about the 10th day of September, 2016, in the Western District of Texas and elsewhere, the Defendant,

NICHOLAS KYLE MARTINO,

knowingly transmitted a communication, via Twitter, an online social networking service, in interstate and foreign commerce from the State of New Jersey to the State of Texas, which communication contained a threat to injure any person; to wit: on that date, **NICHOLAS KYLE MARTINO** sent a tweet to Sul Ross State University stating: “I’m sending a 20mm pipe bomb to PO Box 777 Alpine, TX 79831 @petegallego @Pete4TX @USPS @USPSHelp. Enjoy going boom-boom (:” and “Watch out @Sul_Ross, a pipe bomb is on its way to PO Box 777 Alpine, TX 79831, which is on your campus B] I want @PeteGallego fucking dead,” all in violation of Title 18 U.S.C. §875(c).

COUNT FOUR
[18 U.S.C. §§875(c)]

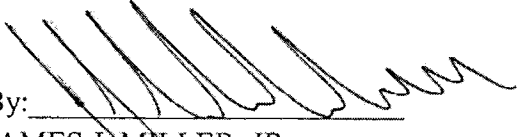
On or about the 10th day of September, 2016, in the Western District of Texas and elsewhere, the Defendant,

NICHOLAS KYLE MARTINO,

knowingly transmitted a communication, via Twitter, an online social networking service, in interstate and foreign commerce from the State of New Jersey to the State of Texas, which communication contained a threat to injure any person; to wit: on that date, **NICHOLAS KYLE MARTINO** sent a tweet to former United States Congressman Pete Gallego, in which the Defendant threatened, among other things, to kill Pete Gallego and his family; specifically, the Defendant tweeted the personal address of Pete Gallego and stated, "is getting an AR15 and an AK47 later today;" "Incendiary rounds for all!;" "I will kill @PeteGallego and his family;" and "Kill Pete Gallego!;" and "I want @PeteGallego fucking dead," all in violation of Title 18 U.S.C. §875(c).

Respectfully Submitted,

RICHARD L. DURBIN, JR.
UNITED STATES ATTORNEY

By: 
JAMES J. MILLER, JR.
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